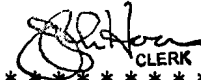


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED

JUL 24 2008


CLERK

LEON G. LARVIE,

Plaintiff,

-vs-

DOUGLAS L. WEBER, Warden, South Dakota
State Penitentiary; ALVIN MADSEN, former
A Unit Manager; MS. R. WEAVER, A Unit Case
Manager; MR. DITTMANSON, Hill S.H.U.
Manager;

Defendants.

CIV. 08-4001

ORDER

Plaintiff brings this prisoner civil rights action pursuant to 42 U.S.C. § 1983. The Magistrate Judge issued a Report and Recommendation recommending that the Complaint be dismissed for failure to state a claim upon which relief can be granted.

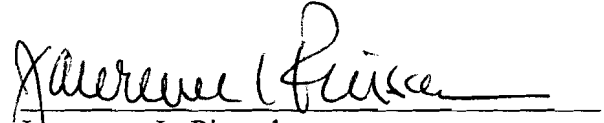
Plaintiff has objected to the Report and Recommendation (Doc. 13). This court has reviewed the objections and the remainder of the file. Neither the original complaint, proposed amendments, nor the objections state a claim nor allege facts which amount to a constitutional violation. Accordingly,

IT IS ORDERED that:

1. Plaintiff's objections (Doc. 13) are overruled and the Report and Recommendation (Doc. 10) is ADOPTED.
 2. Plaintiff's pending motions (Docs. 9 and 12) are DENIED AS MOOT.
 3. Plaintiff's complaint is dismissed, without prejudice, for failure to state a claim upon which relief can be granted, each party to pay their own costs.
-

Dated this 24th day of July, 2008.

BY THE COURT:


Lawrence L. Piersol
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

By: Shelly Margulies, Deputy
(SEAL)